

**Decker, Jeffrey (Jeff)**

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**From:** Wenande, Bradley (Brad)  
**Sent:** Thursday, February 11, 2021 11:24 AM  
**To:** Decker, Jeffrey (Jeff)  
**Subject:** FW: [EXTERNAL] RELEASE OF LOAD AT MARTY LIGHTS

Here's the note requested from CME for the Marty lighting release.

Thanks

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**From:** Chad  
**Sent:** Thursday, February 11, 2021 11:18 AM  
**To:** Wenande, Bradley (Brad)  
**Subject:** [EXTERNAL] RELEASE OF LOAD AT MARTY LIGHTS

**CAUTION: This Email is from an EXTERNAL source outside of NorthWestern Energy.**  
The Original Sender of this email is [loeffler@cme.coop](mailto:loeffler@cme.coop).  
Are you expecting the message? Is this different from the message sender displayed above?  
**Do not click on links or open attachments unless you are sure you recognize the sender and you know the contents are safe.**  
If you believe the email to be malicious and/or phishing email, please use the **Report Phish** button.

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Brad-

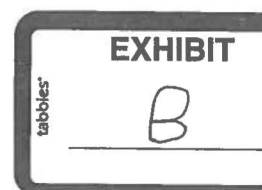
Charles Mix Electric has looked at the service in Marty South Dakota and has decided to release the load to Northwestern Energy. The release is ONLY for the lighting of the walkway. We will not release any further load or meters in this area for future development.

While being determine that the load of this project was split between CME and Northwestern, the service placement was installed on the Northwestern territory as set forth by the PUC. We felt that it was unfair to the consumer to pay for two meter charges and also the extra expense involved in the extra equipment to be installed.

Please note the letter that was signed by Russell Gall, General Manager of Charles Mix Electric, approved by the board and attorney of CME releasing this service ONLY.

Thanks,

**Chad Loeffler**- Line Superintendent  
Po Box 10  
(605)487-7321



**Decker, Jeffrey (Jeff)**

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**From:** Bonnie Neiss <BNeiss@yanktonsiouxtribe.net>  
**Sent:** Friday, February 26, 2021 2:28 PM  
**To:** Kimuyukilonzo, Noah  
**Subject:** [EXTERNAL] Marty Pathway Lighting

**CAUTION: This Email is from an EXTERNAL source outside of NorthWestern Energy.**

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Ihanktonwan DOT and the Yankton Sioux Tribe is aware that NorthWestern Energy intends to serve pathway lighting in Marty, SD. We are aware that this lighting is partially in Charles Mix Electric's service territory and a service exemption is needed. We would like to move forward as soon as possible.

Thank you

*Bonnie Neiss*  
*Ihanktonwan DOT*

March 17, 2021

Ms. Patricia Van Gerpen  
South Dakota Public Utilities Commission  
500 E Capitol  
Pierre, SD

**RE:** EL-\_\_\_ - Service Territory Exception

Dear Ms. Van Gerpen:

The purpose of this letter is to request South Dakota Public Utilities Commission ("*Commission*") approval of an exception to the territorial service boundaries pursuant to SDCL § 49-34A-55. Charles Mix Electric Association, Inc. ("*the Association*") has agreed to allow NorthWestern Corporation doing business as NorthWestern Energy ("*NorthWestern*") to provide electrical service to street lights as identified in Exhibit A ("*Service*"), said Service being located in the assigned service territory of the Association.

Streetlights for a pathway have been installed by a contractor at the request of the Yankton Sioux Tribe. The Yankton Sioux Tribe will own the lights. As shown on Exhibit A, the meter to serve the streetlights is in NorthWestern's service territory. Additionally, seven streetlights and two Pedestrian Crossing Beacons are also located in NorthWestern's service territory. Fifteen streetlights are located in the Association service territory. The Association considered the load and determined that it was unfair for the Yankton Sioux Tribe to pay two meter charges and also the expense involved in the extra equipment to be installed. In the interest of the Yankton Sioux Tribe, the Association has agreed to release this load to NorthWestern.

The Yankton Sioux Tribe is the landowner for this site. The landowner is aware of and is in support of the service territory exception as described in the agreement. The location for the territory exception is illustrated in attached Exhibits "B", "C" and "D".

Included in this filing is the email from the Association recognizing the territory exception and an email from the Yankton Sioux Tribe in support of the territory exception. Also enclosed is the "*Consent and Agreement for Electric Service*" signed by NorthWestern and the Association, which becomes effective upon receipt of Commission approval.

NorthWestern requests approval on less than 30 days-notice so the lights can be used as soon as possible. Thank you for your consideration of this request.

Sincerely,

**Jeff J. Decker**  
*Regulatory Specialist*  
jeff.decker@northwestern.com  
O 605-353-8315

600 Market Street West, Huron, SD 57350

NorthWesternEnergy.com



300ft  
98 430 42 997 Degrees

**Beacon**<sup>TM</sup> Charles Mix County, SD

Territorial Release: Charles Mix Electric to NorthWestern Energy  
For 8 of 15 Marty Streetlights



Overview



Legend

Parcels

Parcel ID	24.04.NONTAX	Alternate ID	n/a	Owner Address	n/a
Sec/Twp/Rng	n/a	Class	n/a		
Property Address		Acreage	n/a		
District	n/a				
Brief Tax Description	n/a				

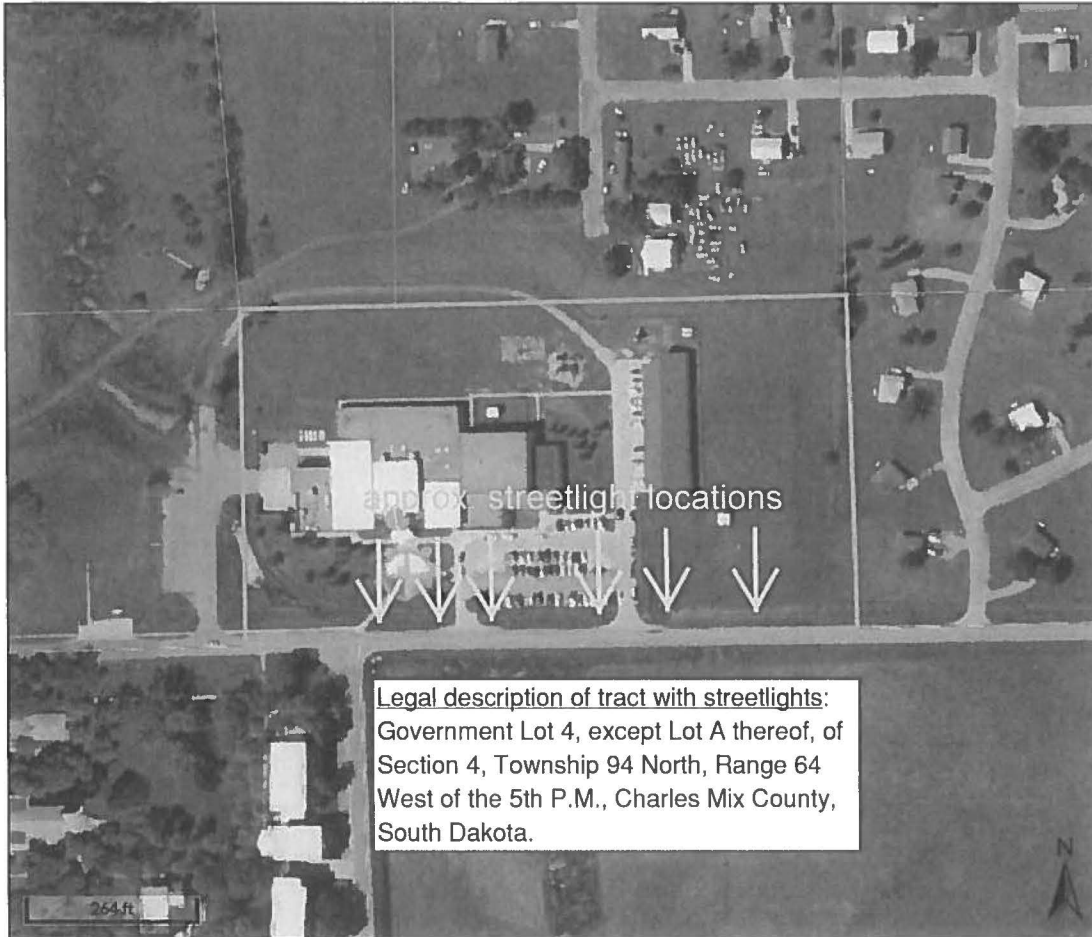
(Note: Not to be used on legal documents)

Date created: 12/23/2020  
Last Data Uploaded: 12/23/2020 2:46:49 PM

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**Beacon**<sup>TM</sup> Charles Mix County, SD

Territorial Release: Charles Mix Electric to NorthWestern Energy  
For 6 of 15 Marty Streetlights



Overview



Legend

□ Parcels

Parcel ID	24.04.2025	Alternate ID	n/a	Owner Address	US GOVERNMENT FOR YANKTON SIOUX TRIBE
Sec/Twp/Rng	4-094-64	Class	SCHOOL		PO BOX 1153
Property Address		Acreage	n/a		WAGNER SD 57380
District	2414WA				
Brief Tax Description	LOT 4 EX LOTA (10.25A) (Note: Not to be used on legal documents)				

Date created: 12/23/2020  
Last Data Uploaded: 12/23/2020 2:46:49 PM

Developed by Schneider  
GEOSPATIAL

Territorial Release: Charles Mix Electric to NorthWestern Energy  
For 1 of 15 Marty Streetlights



Overview



Legend

Parcels

Parcel ID	24.04.2020	Alternate ID	n/a	Owner Address	HARDMAN, BENEDICT
Sec/Twp/Rng	4-094-64	Class	TRUST		
Property Address		Acreage	n/a		
District	2414WA				
Brief Tax Description	LOTS 276-277 EX 4/5508 INTEREST, 4/5508 INTEREST & 4/5508 INTEREST (Note: Not to be used on legal documents)				

Date created: 12/23/2020  
Last Data Uploaded: 12/23/2020 1:10:51 AM

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## CONSENT AND AGREEMENT FOR ELECTRIC SERVICE

This Consent and Agreement for Electrical Service ("*Consent*") is entered into effective as of the 6th day of January, 2021 by and between NorthWestern Corporation d/b/a NorthWestern Energy ("*NorthWestern*") with a principal place of business at 600 Market Street West, Huron, South Dakota 57350-1500, and Charles Mix Electric Association, Inc. ("*Association*") of 440 E. Lake Street, Lake Andes, South Dakota 57356.

WHEREAS, Association is assigned the territorial right to provide electric utility service to the following described real property:

Lot Two Hundred Twenty-seven (227) in the Yankton Sioux Indian Reservation, a part of Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota;

Part of Government Lot Four (4), except Lot A thereof, of Irregular Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota; and

Government Lot Three (3) of Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota (*collectively the "Property"*).

WHEREAS, streetlights are being constructed on the Property at the request of the Yankton Sioux Tribe, and electrical utility service is required to the following described real property:

The West Thirty-three Feet (W.33') of Lot Two Hundred Twenty-seven (227) in the Yankton Sioux Indian Reservation, a part of Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota, as illustrated on attached Exhibit "B";

The South Thirty-three Feet (S.33') of Government Lot Four (4), except Lot A thereof, lying East of the Northwest corner of Lot Two Hundred Twenty-seven (227) in the Yankton Sioux Indian Reservation, of Irregular Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota, as illustrated on attached Exhibit "C"; and

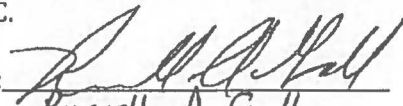
The South Thirty-three Feet (S.33') of Government Lot Three (3) of Irregular Section Four (4), Township Ninety-four North (T94N), Range Sixty-four West (R64W) of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota, as illustrated on attached Exhibit "D".

- Consent to Service. Association agrees to allow NorthWestern to supply electrical service to the Property for the purpose of installing and operating streetlights ("*Electrical Service*"). This Consent is entered into pursuant to South Dakota Codified Law §49-34A-55.

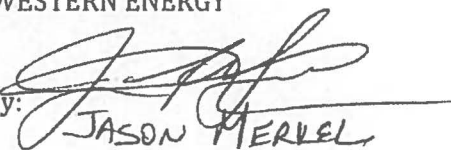


- Reservation of Rights. This Consent is made with the following understanding and agreement: (i) the Property remains a part of the assigned service territory of Association; (ii) NorthWestern does not acquire any service territory rights in any portion of the Property; and (iii) except the Electrical Service specifically described in this Consent, NorthWestern does not acquire any other rights to provide utility service to the Property.
- No Admissibility or Precedence. This Consent may not be used for the purpose of establishing permanent territorial service rights, nor does it constitute or establish at any time any precedent between Association and NorthWestern.
- Termination. Association consents to NorthWestern providing Electrical Service for as long as the Electrical Service is used for the purpose intended. Rights granted by this Consent immediately terminate if: (i) the Electrical Service ceases to be used for the purpose intended; or (ii) NorthWestern breaches the terms of this Consent.
- Commission Approval. This Consent is not effective until the parties receive the approval of the Public Utilities Commission of the State of South Dakota.

CHARLES MIX ELECTRIC ASSOCIATION, NORTHWESTERN ENERGY  
INC.

By:   
Russell A. Crall

Its: General Manager

By:   
JASON MERKEL

Its: GENERAL MANAGER



300ft  
-70.430 42.997 Degrees